Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
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NO. 89-1126

IN THE SUPREME COURT OF THE UNITED STATES

December Term, 1989

HELMUT SUEHL; MARVIN SUEHL; WARREN SUEHL

Petitioners

VS.

STATE OF IOWA

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT

HELMUT SUEHL
R. R. 2 Box 56
Clinton, Iowa 52732

Pro Se

QUESTIONS PRESENTED

I. Did the U.S. Court of Appeals error in denying our petition, to appeal the judgment of the U.S. District Court, in a Civil Rights Action, that we could not defend our property because of the IIth. Amendment to the U.S. Constitution?

2. Should the U.S. Court of Appeals have ruled on a Constitutional Civil Rights action where as the State of Iowa had taken the title to my property without compensation in violation of the 5th. and I4th. Amendments to the U.S. Constitution, substantive Due Process Rights? Which would have permitted ourselves and the adjoining land owner to abide by our covenant property Deeds.

LISTING OF PARTIES

The parties to the proceedings below were petitioners Helmut Suehl; Marvin Suehl; Warren Suehl. and the respondent the State of Iowa.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED.....	I
LISTINGS OF PARTIES.....	.I
TABLE OF AUTHCRITIES	2
OPINIONS BELOW	4
JURISDICTION	4
STATUTE INVOLVED	5
STATEMENT OF CASE	5
REASONS FOR GRANTING WRIT	IO
CONCLUSION	II
APPENDIX	I2
AFFIDAVIT OF SERVICE	I4

TABLE OF AUTHORITIES

Section 42 U.S.C. I983 .....5, II

Section I983 of the Civil Rights Act of I87I ..... 2, 9, IO

Chapter 6I4.I Section 4 of the rules of Civil Procedure.

IN THE SUPREME COURT OF THE UNITED STATES

December Term, 1989

NO. 89-1910-SI

HELMUT SUEHL; MARVIN SUEHL; WARREN SUEHL

Petitioners

VS.

THE STATE OF IOWA, Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Helmut Suehl; Marvin Suehl; Warren Suehl the petitioners herein, prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Eight Circuit entered in the above-entitled case on Sept. 12, 1989, which denied our Civil Rights Appeal from the U.S. Districts Courts Judgment, that we were barred from taking an action against the

State of Iowa because of the IIth. Amendment to the United States Constitution.

OPINIONS BELOW

The Petition and Judgment of the U.S. Court of Appeals, which is the subject of this petition is reported under appendix 2 A. The Petition and Judgment to the U.S. District Court is reported under appendix I A.

JURISDICTION

The Supreme Court of the United States has Jurisdiction on Writ of Certiorari when the U.S. District Court denied our petition because of the IIth. Amendment to the U.S. Constitution and the U.S. Court of Appeals denied our petition of appeal, as Section I983 of the Civil Rights Act of I87I authorizes individuals to sue a state or agent of a state for violating their Constitutional or Statutory Rights.

STATUTES INVOLVED

I. Under 42 U.S.C. 1983. This is the section of the Federal Code which guarantees a person's civil rights and permits an action where their has been a denial of such rights under the authority or guise of authority granted by the state.

2. Section 1983 of the Civil Rights Act of 1871 which authorizes individuals to sue a state or agent of a state, for violating their Constitutional or Statutory rights.

STATEMENT OF CASE

The State of Iowa has taken the Title of my homestead and 4½ acres of property without compensation, in violation of the 5th. and 14th. Amendments to the U.S. Constitution, substantive Due Process Rights.
I have been forced to petition the U.S. Courts PRO SE, as after requesting the Iowa Bar Association Referral service to refer me to

an appeals specialist, their response to my request was, that the Iowa Supreme Court was infallible and that I could not defend my property, even though I had documentary proof that my Constitutional Rights had been violated.

After the death of my Uncle Chris Suehl, who owned land adjacent to our 4½ acre homestead, an abstract attorney ordered a survey of our properties, and filed a petition into Equity Court in order to clear the Title to our properties, which had never been officially divided, as my grandfather had owned all of the land. Both ourselves and the new adjacent landowner, who was now my Uncles widow, wanted to abide by my Uncles Joint Tennancy Deed than wife, as she had signed it.

THE COURTS DID NOT RULE ON OUR PROPERTY DEEDS

Before his death, our Uncle Chris Suehl made a joint tennancy deed to his wife in 1980 all of the property deeds were presented to all of the Courts as evidence.

In his property deed my Uncle specified that his wife was not to infringe on our 4½ acres of land, and she signed and agreed to their joint covenant deed.

A group of my Uncles decendants and their wives came foreward to the court and claimed that we had never owned our 4½ acres and homestead. I have lived on my 4½ acres all of my life except for the time that I spent with the U.S. Army in Europe during World War II. We have always paid taxes on this property, we inherited this property in 1956 We have a Deed to our property. This group of people forced us into an Equity Court hearing to defend our property. None of them owned no property involved.

TRIAL COURT DID NOT FOLLOW PROCEDURE

At the Equity Court hearing, the trial court denied us the right to give testimony as to why an abstract attorney called for a survey of the properties, and how we had used our 4½ acres. The Trial Court ruled without

examining the contents of our property deeds which had been presented as evidence.

The Iowa Court of Appeals wrote in their decision, that they had great difficulty hearing our Case De Novo, because the Trial Court ruled on objections, they wrote that this was not to be done in a Court of Equity.

IOWA APPALATE COURT HEARD UUR CASE DE NOVO.

We appealed our case from the trial court to the Iowa Supreme Court. The Iowa Appalate Court heard our Case De Novo. As they stated in their first paragraph of their decision, that we were making an Appeal because the Trial Court had given the title to our 4½ acres, to the whole group of my Uncles decendants and their wives.. This Court Erred as they stated that this group of people were adjacent land owners to my 4½ acres. They concluded their decision, stating that all of this group of people should have the title to my 4½ acres. The Iowa Supreme Court denied an appeal for further reconsideration and an appeal to correct their discrepancies.

U.S. DISTRICT COURT DENIED OUR PETITION TO SET ASIDE THE IOWA COURTS DECISIONS BECAUSE OF THE IITH. AMENDMENT TO THE U. S. CONSTITUTION.

We filed a Civil Rights action to the U.S. District Court asking this Court to set aside Judgments of the State Courts, as the U.S. Constitution was being violated. The Iowa Attorney General resisted our motion, stating that our petition should not be heard because of the IIth. Amendment to the U.S. Constitution. The U.S. District Court denied our petition for this reason.

U.S. COURT OF APPEALS DENIED OUR PETITION

We than petitioned the U.S. Court of Appeals For the Eight Circuit, pointing out that the Iowa Attorney General was mistaken as the as the U.S. Supreme Court had recently handed down two Civil Rights decisions. The Law Section I983 of the Civil Rights Act of I87I authorizes individuals, to sue a state, or agents of a state, for violating their Constitutional or Statutory rights. This Court denied our petition without waiting

for the Iowa Attorney to resist.

HARRASSMENT AND LOSSES

One of the group of the decendants of late Uncle, is now infringing upon my 4½ acres and running over and killing my poultry when they roam on my 4½ acres, also people are coming and asking to rent my homestead.

REASONS FOR GRANTING THE PETITION

As the U.S. Court of Appeals, 8th. Circuit had its obligations to uphold the Constitution of the United States, as the U.S. Constitution guarentees us the right to a hearing after the State Courts had violated the Constitution by taking the title of my property from me without compensation, when valid documents of proof of ownership had been presented to all of the Courts. Our Civil Rights petition should not have been barred by the IIth. Amendment, as Section I983 of the Civil Rights Act of I87I authorizes Individuals the right to a court action.

CONCLUSION

The subject Court of Appeals decision to deny our petition on an important issue of Federal Laws conflicts with 42 U.S.C. 1983, this Section of the Federal Code guarentees a persons Civil Rights and permits an action, when denied of such rights

For the reasons discussed above, review by this Honorable Court is necessary to avoid significant implications of the Court of Appeals.

Petitioners respectfully submits that their Petition for Writ of Certiorari be granted.

Respectfully Submitted

Helmut Suehl

Dated:
December 7, 1989

Helmut Suehl
R.R. 2 Box 56
Clinton, Iowa 52732

APPENDIX

APPENDIX A

In the United States District Court

For the Southern District of Iowa

Davenport Division

Helmut Suehl;	Civil Rights
Marvin Suehl;	Motion to Vacate and Set Aside Judgment of
Warren Suehl;	Iowa District Court Case
Petitioners	No. CL 7217
vs.	Iowa Supreme Court Case No. 84-717
State of Iowa	
Respondent	

UNITED STATES DISTRICT COURT

Southern District of Iowa

Davenport Division

Helmut-Suehl, et al.,

Plaintiffs,

V

State of Iowa

Defendants

Decision by Court.

It is Ordered and adjudged that plaintiffs take nothing and plaintiffs complaint is dismissed on the granting of Defendants Motion to Dismiss Complaint, as Plaintiffs suit against the State of Iowa is barred under the Eleventh Amendment.

April 20, 1989

James R. Rosenbaum
Clerk

Hon. Judge Harold D. Vietor presided

APPENDIX B

UNITED STATES COURT OF APPEALS

For The Eight Circuit

St. Louis, Missouri

Helmut Suehl; Marvin Suehl; Warren Suehl; Petitioners vs. State of Iowa Respondent	CIVIL RIGHTS U. S. Court of Appeals Case No. 89-1910-SI APPEAL FROM THE JUDGMENT OF THE U.S. DISTRICT COURT

UNITED STATES COURT OF APPEALS
FOR THE EIGHT CIRCUIT

No. 89-1910	Appeal from the United States District Court for the Eastern District of Missouri.
Helmut Suehl	
Marvin Suehl	
Warren Suehl	
Appellants,	
vs. State of Iowa Appellee.	

Filed August 8, 1989

Helmut Suehl, Marvin Suehl, and Warren Suehl appeal the District Court's dismissal of their complaint. Having carefully reviewed the record in this case, this Court summarily affirms the decision of the District Court. The appeal is legally frivolous and entirely without merit. See 8th. Cir. R. I2 (a).

Order Entered at the Direction of the Court:

Robert D. St. Vrain

Clerk, U.S. Court of Appeals, 8th. Circuit.

On Sept. I2, I989 Appellant's petition for rehearing has been considered by the court and is denied.

Robert D. St. Vrain

Clerk, U.S. Court of Appeals, 8th. Circuit.

AFFIDAVIT OF SERVICE

I Helmut Suehl, one of the Petitioners here by Certify that on December 7, 1989, I served three (3) copies of the foregoing petition for Writ of Certiorari on respondent by mailing these copies in an envilope by Certified Mail, addressed to Mr. Thomas J. Miller, Attorney General for the State of Iowa, Hoover Building, Des Moines, Iowa in compliance with Rule 28, Paragraph 5 of the Rules of the U.S. Supreme Court.

Helmut Suehl

Helmut Suehl
R.R. 2 Box 56
Clinton, Iowa 52732

Myra Shute